



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,182	03/29/2001	Daniel R. Shepard	NUP-001RE	4816
51414 7590 11/09/2009 GOODWIN PROCTER LLP PATENT ADMINISTRATOR 53 STATE STREET EXCHANGE PLACE BOSTON, MA 02109-2881				
EXAMINER				
TRAN, ANDREW Q				
ART UNIT		PAPER NUMBER		
2824				
NOTIFICATION DATE		DELIVERY MODE		
11/09/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PatentBos@goodwinprocter.com  
hmcpeake@goodwinprocter.com  
glenn.williams@goodwinprocter.com

## Office Action Summary

**Application No.**

09/821,182

**Applicant(s)**

SHEPARD, DANIEL R.

**Examiner**

Andrew Q. Tran

**Art Unit**

2824

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4-13, 18, 19, 21-24, 28-42, 44-46 and 51-71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-13, 18, 19, 21-24, 28-42, 44-46 and 51-71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/3508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

Original patent claims 28-30 were restricted and withdrawn from consideration in Office Action of July 21, 2006, and subsequently canceled. Original claims 28-30 are permitted to be reinstated according to MPEP § 1450. Thus, the restriction requirement of the original patent claims 28-30 dated September 28, 2005 is withdrawn, and the claim numbering remains the same.

### ***Consent of Assignee and 37 CFR 3.73 Statement***

USPTO Assignment Record indicates that the original patent (US Pat 5,889,694) is assigned to "NUP2 Incorporated" instead of "Contour Semiconductor, Inc". There is no change of name recorded in the Assignment as the applicant indicated in the 37 CFR 3.73 Statement filed on November 20, 2006.

Therefore the consent is objected to under 37 CFR 1.172(a) as the named assignee in the consent is different from the assignment of record.

### ***Substitute Specification***

The matter to be deleted by reissue must be enclosed in brackets, and the matter to be added by reissue must be underlined. See 37 CFR 1.173(d). Since the substitute specification filed November 20, 2006 does not include brackets and underlining, it is improper.

The Applicant can either submit a new substitute specification with the deletion(s) placed between brackets and its replacement(s) underlined, or make the amendments by submitting the paragraphs where the changes are required with the deletion(s) placed between brackets

and its replacement(s) underlined. A statement that the substitute specification contains no new matter must also be supplied.

### ***Amendment to Claims***

The Amendment to the Claims filed April 24, 2009 is improper because:

In original patent claims 4-13, 18-19 and 21-24, all added matter should be underlined and all deleted matter should be bracketed. For example, as shown in Preliminary Amendment filed March 29, 2001, and relative to original patent claim 4, the phrase "digital logic device of claim 1, wherein one of said plurality of generally parallel conductive means" should be bracketed, and the phrase "circuit of claim 31, wherein one of the sets of conductive address lines" should be underlined.

Furthermore, newly added claims 31-42, 44-46 and 51-71 should be underlined (ie. strike-throughs and brackets should not be used).

See MPEP § 1453, Sect. V, E.

### ***Reissue Declaration***

Applicant fails to include a statement of "at least one error" which is relied upon to support the reissue application.

In the reissue declaration filed November 20, 2006, the error statement in paragraphs (4) & (5) does not *specifically identify at least one error* in the original patent claims 1-30, and thus presenting amended and/or new claims to correct the error (e.g. what the original claims lacked that the newly added claim has, etc.). See MPEP 1414, Sect. II. The error statement that "An error being relied upon ... as issued was too narrow in that my invention is broad enough to

embrace ... "address circuitry ... address lines"" is not considered a sufficient "error" statement since it does not specifically identify what was the error in the original claims.

Claims 4-13, 18-19, 21-24, 28-42, 44-46 and 51-71 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175. The nature of the defect(s) in the declaration is set forth in the discussion above in this Office action.

### ***Allowable Subject Matter***

Claims 4-13, 18-19, 21-24, 28-42, 44-46 and 51-71 appear allowable over the prior art of record.

The following is a statement of reasons for the indication of allowable subject matter:

Waaben et al. (US Pat 3,701,119) teaches a semiconductor memory 10 (Fig. 1) using a control circuit 12 coupled to a digit line 14 to retrieve charge stored in a memory cell 36 (see col. 2, ln. 67-68 bridging to col. 3, ln. 1-17, and col. 3, ln. 53-68 bridging to col. 4, ln. 1-14). Roberts et al. (US Pat 4,608,672) teaches a Schottky diode memory array 20 (Figs. 2 and 3) with address decoder 16 having diode 198 connected to address decode line 62 and WL bar 54, which in turn connects to NAND gate 50. NAND gate 50 is a word line driver whose output is connected to word line 58 of memory cell diodes 82, 84 (see Fig. 3).

Both Waaben et al. and Roberts et al. do not teach an electronic array of selectable points comprising means for selecting a conductive means of one plurality of conductive means, and means for biasing the conductive means of the other plurality of conductive means such that each said selectable point present between a conductive means of said biased plurality of conductive means and a conductive means of the other said plurality of conductive means is potentially forward biased; and means for selecting a biased conductive means by electronically disabling conductive means within said biased plurality of conductive means by shifting the

voltage of those biased conductive means that are to be disabled, as recited in claim 28. Both Waaben et al. and Roberts et al. also do not teach an information storage circuit comprising a pattern of information-defining nonlinear elements connected to the first and second sets of conductive lines at an overlap region, presence or absence of a nonlinear element connection at a storage location defining a bit state at the location; and address circuitry comprising a first pattern of rectifiers directly connected between the first set of conductive lines and a first set of address signal lines, application of an address to the first set of address signal lines causing the first pattern of rectifiers to disable all but one of the first set of conductive lines, as recited in claim 31.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Q. Tran whose telephone number is (571) 272-1885. The examiner can normally be reached on Mon - Fri 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard T. Elms can be reached on (571) 272-1869. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew Q Tran/  
Primary Examiner, Art Unit 2824